

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 05-CV-10879-JLT

KIMBERLY GENEREUX,)
Plaintiff)
v.) **PLAINTIFF'S MOTION IN LIMINE**
COLUMBIA SUSSEX CORPORATION,) **TO REDACT MEDICAL RECORDS**
STARWOOD HOTELS & RESORTS) **AND BILLS**
WORLDWIDE, INC., and)
WESTIN HOTEL MANAGEMENT, L.P.,)
Defendants)

Kimberly Genereux, the plaintiff, hereby moves this Court *in limine* to allow her counsel to redact her medical records and bills to eliminate the following references:

1. References to insurance information and insurance and/or free care payments towards the plaintiff's bills;
2. References to the cause of her sister's death (crack cocaine overdose); and
3. Identifying information (social security and telephone numbers and addresses).

In support of her Motion, the plaintiff states the following:

1. The above references are irrelevant to the plaintiff's medical condition resulting from the rape.
2. The references are irrelevant to the issue of liability.
3. The references to her sister's death by a crack cocaine overdose constitutes inadmissible evidence of criminal misconduct

by a person who was not criminally convicted, in violation of Fed. R. Evid. 608 and 609, and who will not be a witness at trial. Such evidence is not relevant to the plaintiff's claims, making their admission violative of Fed. R. Evid. 401. The jury can be misled and confused by such highly charged evidence and, to the plaintiff's great prejudice, improperly may attribute such alleged criminal misconduct, bad acts or character flaws to the plaintiff, in violation of Fed. R. Evid. 403.

4. The insurance information constitutes improper collateral source evidence.

5. Release of the identification information poses a security threat to the plaintiff's identity.

The plaintiff will file with this Motion copies of the pages she seeks to redact, with the portions to be redacted highlighted for the convenience of the Court, but will not file them electronically.

The Plaintiff,
By her Attorney,

MARK F. ITZKOWITZ (BBO #248130)
85 Devonshire Street
Suite 1000
Boston, MA 02109-3504
(617) 227-1848
April 8, 2008

CERTIFICATE OF SERVICE

I, Mark F. Itzkowitz, counsel for the plaintiff, hereby certify that on this date, I made service of the within document by serving it electronically to registered ECF participants and/or by mailing/faxing/hand-delivering a copy of same to non-registered ECF participants as indicated on the Notice of Electronic Filing ("NEF"), upon the following counsel of record:

John B. Johnson, Esquire Corrigan, Johnson & Tutor, P.A. 141 Tremont Street Boston, MA 02111; and	Robert J. Brown, Esquire Mendes & Mount, LLP 750 7 th Avenue New York, NY 10019-6829.
--	---

s/ Mark F. Itzkowitz
MARK F. ITZKOWITZ (BBO #248130)

Dated: April 8, 2008